

Wallingford Planning & Zoning Commission
Monday, September 13, 2021
7:00pm
Robert F. Parisi Council Chambers – Town Hall
45 South Main Street
MINUTES

Chairman Seichter called the meeting to order at approximately 7:05 p.m.

Pledge of Allegiance was recited by all.

Roll Call: Present: James Seichter, Chairman; JP Venoit, Vice-Chair; James Fitzsimmons, Regular Member; Jeff Kohan, Regular Member; Jaime Hine, Alternate; Steven Allinson, Alternate; Armand Menard, Alternate; Kevin Pagini, Town Planner; Amy Torre, Zoning Enforcement Officer.

Absent: Rocco Matarazzo, Secretary.

Consideration of Minutes –August 9, 2021

Commissioner Kohan noted that he was mistakenly listed as secretary and Chairman Seichter noted that Thomas Talbot was listed as in attendance when he was not. These two items need to be corrected.

Commissioner Kohan: Motion to approve the minutes of the August 9, 2021 meeting of the Planning and Zoning Commission with the noted corrections.

Commissioner Hine: Second

Vote: Kohan – yes; Hine – yes; Allinson – yes; Chairman Seichter – yes.

Chairman Seichter noted that the following agenda items will not be heard this evening at the request of the applicants. Both are deferred to the October 13th meeting.

4. PUBLIC HEARING: Special Permit Revision/Hall Avenue, LLC/238 Hall Avenue #409-21
6. NEW BUSINESS: Site Plan (service area expansion)/1164-1174 North Colony Road, LLC/1164-1174 No. Colony Road #213-21

Chairman Seichter reported that Commissioner Matarazzo has resigned from the Commission. He asked Commissioner Allinson to take that seat for tonight's meeting and noted that the expectation is that Commissioner Allinson will be appointed to that seat at the next Town Council meeting.

PUBLIC HEARINGS

1. Special Permit (Warehousing)/Montante Construction/5 Research Parkway (PUBLIC HEARING CLOSED) #401-21

Chairman Seichter noted that the Public Hearing has been closed. Chairman Seichter clarified a comment he made at the August 9th meeting. During that meeting, he stated that he had contacted the applicant to give them the option to defer action on the application due to the number of Commissioners in attendance. That was a misstatement. He did not contact the applicant. He asked the

Town Planner to do so. Chairman Seichter noted that except for during the public hearing, he had no contact with the applicant or the applicant's representative.

Chairman Seichter noted that the following members will be voting on this Special Permit: Commissioners Kohan, Fitzsimmons, Venoit, Allinson, and Seichter.

Commissioner Kohan stated that his key concerns are with the traffic and the appropriateness of the application based on a Special Permit and the proximity to a residential area. He stated that he found some documentation hadn't been received from the applicant, traffic peer reviewer, and Town Departments in a timely manner. The applicant requested opening the public hearing before there were presentations which resulted in the loss of a meeting. He noted that all his comments are in the following documentation and minutes: the June 22 and July 12 Traffic Peer Review Comments; the July meeting minutes; the July 1 memo from the Department of Engineering; the Response Criteria for evaluating a Special Permit memo provided by the applicant; the June 9 memo from Jeffrey Dewey to the Town Planner and the June 11 Peer Review Response to comments from Mr. Van Zanten, the Traffic Peer Reviewer. He thanked the recording secretary for the thorough minutes. Commissioner Kohan outlined his traffic concerns.

- The applicant originally stated the intent to use Carpenter Lane "to allow for ease in finding parking for Associates". He believes this indicated that they knew parking would be an issue.
- He found the initial traffic report from the applicant lacking and filled with errors and omissions. One significant omission was not including the other three developments in the area. Those errors affected the credibility of the traffic report.
- He repeatedly asked the applicant how many more trips would cause some of these intersections to fail. They didn't answer until the end and stated that there were too many factors to consider. He stated that he didn't believe Amazon should be able to prevent other businesses from being built in the area due to traffic.
- A significant omission was no mention of school bus traffic in the traffic study. The bus farm is right around the corner. He believes this development will have a critical impact on school busses and how long kids are on the busses. He believes that this speaks to the appropriateness of the location and use of the parcel. He referred to the traffic discussion in the July meeting minutes.
- He noted that the traffic peer reviewer did a good job of pointing out the pain points and concerns such as the intersection of Rt. 68 with the Rt. 91 northbound off-ramp, and the Rt. 91 southbound on-ramp. He noted that the Department of Engineering and the peer reviewer felt that the northbound turn off Rt. 68 onto Research Parkway was a major concern with a potential for accidents. He noted that OSTA has to agree to the proposed changes, but the peer reviewer noted that they may not. He stated that Amazon's response was to add signage and promise to work with OTSA. Commissioner Kohan stated that this should be resolved before the special permit is approved.

- The traffic peer reviewer stated that some off-ramps are already at the fail stage or max capacity. He quoted the traffic peer reviewer: “The Town needs to know there will be additional delays.” Commissioner Kohan stated concerns with Rt. 91 backing up during peak periods.
- He noted that the applicant suggested increasing the speed limit on Research Parkway and the peer reviewer expressed concern.
- He noted that OSTA doesn’t focus on peak times or holidays, just the daily average. Amazon has a holiday season of 3 months plus special sale days.
- The traffic peer reviewer identified several potential issues and the applicant offered no mitigations. This is in the July meeting minutes.

Commissioner Kohan commented on the appropriateness of the application for a special permit.

- One document, item H, page 6 of applicant’s presentation, Preservation of Character of the Neighborhood and Existence of Other Uses. He noted that the applicant states that the traffic plan is protective of the neighborhood. Questions were asked about that and Amazon responded that these delivery facilities didn’t exist 10 years ago and that Research Parkway was planned for commercial and industrial traffic and creates a direct route to Rts. 68 and 91. Commissioner Kohan stated that Research Parkway was designed more than 10 years ago and not for a delivery station.
- Regarding like businesses, the applicant referred to the US Postal facility and another delivery center on Research Parkway. The proposed facility dwarfs the traffic from those examples and does not preserve the character of the business neighborhood.
- This property co-exists with a fairly substantial residential area. He believes that Research Parkway was not designed for this type of facility. The Commission has a responsibility to look at the impacts on a residential neighborhood. It’s a tough situation with the residents being so close. The Commission needs to take their concerns into account.

Lastly, he quoted from a letter received June 10, 2021, from Adelheid Koepfer, 35 Whiffle Tree Road. “On Mayor Dickinson’s request, the Commission withdrew our own application for proposed amendment of Zoning Regulations referring to the I-5, I-X, and Watershed Protection District overlay after the Commission had deliberately worked out this amendment and received approval from the regional water agencies. The Mayor’s veto came rather unexpectedly.” He added that she lists three concerns, “with the changes in this proposed amendment have been compliant with the MS4 plan as the Mayor explained his serious legal and policy concerns yet is there a time plan where he will do so. For example, given a workshop is suggested, will this be in time before the Commission decides on this application.” She concluded with the question: “If the proposed amendment had been passed as planned would the project at 5 Research Parkway be permissible under the new (withdrawn/postponed) regulations.” Commissioner Kohan stated that he shares this concern.

Commissioner Allinson noted that this is a huge application with a ton of documents, data, and information. He commended the applicant for the amount of information they provided. He commended the Town employees and Mr. Pagini for organizing the materials and making them available

for the Commission. He stated concerns about the traffic impact on the area. He stated that he didn't know if the changes proposed to OSTA would handle the traffic safely. He noted that the Town Engineer had questions that were not addressed.

Commissioner Fitzsimmons stated that change is hard. He stated that this is a permitted use in the zone. He noted that the only reason this application came before the Commission is because of the traffic. He stated that his concerns related to traffic were addressed by the applicant. He agreed that though this is compatible with the zone, it is not compatible with the residential zones behind it. This is always a challenge. The use is permitted according to the regulations. This Commission does both planning and zoning which means we make the rules and have to act on the rules. Commissioner Fitzsimmons stated that everything the applicant asked for is permitted. He noted some of the improvements to the application. He believes that closing Carpenter Lane except for emergency vehicles was a positive move for the applicant. Commissioner Fitzsimmons stated that he shares the concerns about the Rt. 91 exit ramp traffic but stated that it is outside of the purview of this Commission. He stated that if the application goes forward, the Commission and Town will need to stay involved with the State on any changes such as restriping or retiming of lights. He noted that this is the third potential use by this Company in this town. For Cherry Street, he noted that there has been a delay in the State's response. He suggested tying the certificate of occupancy to the Town's acceptance and the completion of any State required changes. He referred to the April 22nd memo from BL Companies responding to the comments of the traffic peer reviewer regarding the letter grades of the intersections. The problem is traffic studies looked at AM and PM, which is the traditional factory or office traffic peak. This is a 24-hour business and society. The traffic study manual or bible doesn't address 24-hour trucking terminal usage. Commissioner Fitzsimmons stated that this is the type of use envisioned when this Commission created an I-X zone. If it wasn't for the vehicle trips this would not have been a special permit or public hearing, it would have been a use by right. He stated that he believes that the totality of the evidence addressed his concerns with the appropriateness of the use for the issuance of a special permit. He acknowledged that there will be conflict when you have an industrial use near a residential zone.

Chairman Seichter referred to the comment in the letter that was read regarding the Mayor's request regarding the amendment to the IX and I-5 regulations. He explained that this application was filed before those regulations would have been considered. So the withdrawal of those regulation changes had no impact on this application. This application was reviewed under the regulations in place at that time. He noted that the Commission spent a significant amount of time reviewing information. He agreed with Commissioner Fitzsimmons as far as the appropriateness of the use. He agreed that we are all concerned with the traffic but noted that in the no-build PM period, the northbound Rt. 91 exit ramp is at a level E. The proposed improvements would move this intersection to a level D. If the application is approved, he would want the approval subject to the improvements stated by the applicant be approved by the State. If the State didn't approve, then the application wouldn't be approved. If the application is approved, those improvements must be in place before a certificate of occupancy is issued. He noted there has been a delay in the improvements for South Cherry Street. Regarding Prime Days, the applicant agreed to restrict 350 parking spaces for use during their peak seasons. They defined

the periods as November 1 – February 1 and 35 days for Prime Days. Chairman Seichter suggested changing this to November 15 to January 15 and the total days for Prime Days from 35 to 15. He noted conflicting information on the site plan with 120 parking spaces near the van parking marked as Associate spaces. At the last meeting, the applicant stated that these spaces are for drivers. He suggested treating those 120 spaces as we treat the 350 to use only during peak season and Prime Day. This leaves 535 spaces for the vans during the non-peak season. He acknowledged the concern with automobile fluids and snow removal chemicals in these spaces and believes that restrict these spaces will help address these concerns.

Commissioner Kohan stated that in a perfect world the suggestion that all proposed improvements receive approval from OSTA prior to the issuance of a certificate of occupancy would be fine. This is not a perfect world and as a condition is unworkable. The proposed improvements may or may not be the improvements the applicant finalizes or OSTA agrees to. He is concerned because we don't know what will happen. He noted that there is still no remedy for So. Cherry Street. The traffic peer reviewer stated that it's an issue. He noted that BL Companies acknowledged that it's an issue and offered no mitigation or improvement for many issues. If we move forward, they can build the building and wait years to occupy it.

Chairman Seichter stated that the Commission can make a condition that certificate of occupancy not be issued until the improvements are completed. The Commission can make a condition of approval that our approval would be subject to the completion of the improvements that they have put forward for that intersection. If that is not adhered to they wouldn't be able to get the certificate of occupancy and would not be able to operate.

Commissioner Kohan agreed but noted that there are several items in the final traffic study that were not addressed. He would like to see conditions that those items in the peer review that haven't been addressed be addressed. He wants to see satisfactory reasoning why they have not offered mitigation. He suggests listing those as part of the record or just say the items that have not been addressed in the final peer review report. He reiterated his traffic concerns about Research Parkway. He noted that when these regulations for specific uses were made, Amazon didn't exist. He believes that these regulations would have been adjusted to put more restrictions on this type of facility. Delivery stations didn't exist ten years ago. Research Parkway was not designed to handle Amazon delivery traffic.

Commissioner Venoit: Motion to approve application #401-21Special Permit Warehousing / Montante Construction/5 Research Parkway. A Special Permit or Montante Construction for a 249,000 sq. ft. distribution warehouse and an associated 1,264 parking spaces located on 179.85 acres at 5 Research Parkway as shown on plans entitled "Proposed Development 5 Research Parkway Wallingford, CT" dated January 8, 2021, including all revisions made, up to and including plans dated July 7, 2021, subject to:

- 1. Copies of applicable approved DEEP Stormwater permits to be provided as follows: Stormwater Permit for Construction activities to be provided prior to commencement of site construction, and**

Stormwater Permit for Industrial Activity to be provided prior to issuance of Certificate of Occupancy;

2. That all proposed improvements receive approval from OSTA and any changes revisions or improvements be completed prior to the issuance of the certificate of occupancy. This includes all recommended lane configurations and signal timings detailed in the report from BL Companies entitled "Traffic Analysis Addendum – Full Report" dated 6/18/2021, if not completed and approved, would negatively impact the level of service on the adjacent roadways;
3. That all final site plans include any changes that may have occurred as a result of the latest Peer Review dated July 9, 2021, and any concurrent response from BL Companies dated 7/12/2021;
4. That the Town is notified at least 48 hours in advance before any opening takes place of the seasonally restricted gated parking area for the allowed seasonal usage dates of November 15 – January 15 and the extra 15 days, whenever this may occur, necessary for Amazon Prime Days, and that the seasonally restricted gated parking area includes the 120 spaces labeled Associate on the site plan;
5. Sedimentation and Erosion Control to be covered by a bond in the amount of \$1,375,000 required by the Inland Wetlands and Watercourses Commission in their approval dated April 7, 2021;
6. The owner (current or future) of property to ensure compliance at all times with: "Site Operations and Maintenance Plan" prepared by BL Companies, dated October 2, 2020, revised to 5/28/21; "Construction Contingency Plan for Erosion Control and Emergency Spills" prepared by BL Companies, dated October 20, 2020, and revised 5/28/2021;
7. Conditions of approval in the memorandum from Erin O'Hare, Environmental Planner, dated May 5, 2021;
8. Comments from the Water and Sewer Divisions memorandum dated July 8, 2021, including all conditions requested in previous correspondences referenced in the July 8, 2021 memorandum;
9. Those items listed in the traffic peer review to be addressed and satisfactorily resolved;
10. Comments of the Fire Marshal, dated 7/29/2021;
11. Comments of Alison Kapushinski, Town Engineer, dated 4/28/2021 and 7/1/2021;
12. Comments from the VN Engineers, traffic consultant, in the memorandum dated 7/9/2021; and
13. Use of van spaces, trailer parking spaces, and loading docks/truck parking spaces to be limited to trailers/trucks and vans being used for the loading/unloading of the merchandise being stored in the warehouses and other deliveries to/from the warehouses. Site not to be used as a "truck terminal", as in: the only vehicles, trucks, trailers, or vans that are to be parked, stored, or otherwise kept on site are those currently being used for the above purposes; no vehicle repairs or washing is to occur on-site, and the site shall not be used for long-term storage of inactive vehicles or vehicles not immediately associated with the warehouse activities on site.

Commissioner Fitzsimmons: Second and amended it as follows:

14. **No access to Carpenter Lane during the entire construction period other than emergency vehicles.**
Commissioner Venoit accepted.

Commissioner Fitzsimmons proposed an addition to condition #2: "and any changes, revisions or improvements be completed prior to the issuance of a certificate of occupancy."

Commissioner Venoit accepted

Chairman Seichter suggested amending #4. The seasonal dates be changed from November 1 to February 1 to November 15 through January 15 and an extra 15 days instead of 35. And also to add that the 120 spaces designated Associate be restricted similar to the 350 spaces.

Commissioner Venoit accepted.

Commissioner Venoit accepted these changes to the motion.

Vote: Kohan – no; Fitzsimmons – yes; Venoit – no; Allinson – no; Chairman Seichter – yes.

The application is denied.

2. Zoning Text Amendment/Sale of Recreational Cannabis/PZC/Town-Wide #902-21

Commissioner Venoit read the legal notice and noted the correspondence. #902-21 – Zoning Regulation Text Amendment to add section 6.34 to prohibit Cannabis Establishments in all zoning districts throughout the Town of Wallingford. Inter-Departmental Referral from Town Engineer, dated August 21, 2021; letter dated August 17, 2021, from Jeffrey Kohan, Chairman, South Central Connecticut Regional Planning Commission, to Kevin Pagini, Town Planner; Memo dated July 28, 2021, from Keith Rosenfeld, Regional Municipal Planner, Naugatuck Valley Council Of Governments, to the Planning & Zoning Commission; letter dated July 28, 2021, from J.H. Torrance Downes, Deputy Director, Lower Connecticut River Valley Council of Governments, to Wallingford Planning and Zoning; memorandum dated July 30, 2021, from Janis Small, Corporation Counsel, to William W Dickinson, Jr., Mayor, memo from Stephen Civitelli and Bill Dickinson to Wallingford Planning and Zoning Commission, dated July 19, 2021.

Mr. Pagini provided an overview of the proposed amendment, which was initiated by the Mayor and the Health Director due to concerns about public health and safety. The statute allows the Town to prohibit cannabis establishment in all zones throughout the town. The Mayor and Mr. Civitelli have proposed a new section 6.34 that defines cannabis establishment and also cannabis as defined in CT general statutes. Cannabis establishments would be prohibited in all zones throughout the town.

Chairman Seichter noted that several years ago this Commission made a change to the regulations that indicated any approved use would have to be legal both at the local State and Federal level. Under those regulations, the growing, selling, and dispensaries for cannabis would not be allowed here in town as it is still illegal under the Substance Control Act. However with Public Act 21-1, all towns and cities are required to take action on either having the sale and/or growing of cannabis in their communities.

Commissioner Kohan made a point of order. He referenced the letter from the South Central Regional Planning Commission, of which he is the chairperson. At their last meeting, this issue came up for Wallingford and another town. The point of order is that both towns received the letter from elected officials. Technically the Planning Commission only takes recommendations from Planning and Zoning Commissions or the Town Planner. This is a minor point and he suggested moving forward.

Commissioner Kohan suggested taking a closer look at this and the regulations we have on the books about the legality of cannabis. This Commission has often been approached by the Economic Development Commission to relax regulations to attract businesses to Wallingford. This will be a major

industry providing jobs. We have industrial land that could be used. He stated that we need to think out of the box and allow for future uses that will employ a lot of people. If the Federal government has allowed state's rights to deal with and they haven't really enforced the law. Based on some other precedents, if the Feds did try to override the state's rights, we could say that they never enforced it in the past. He stated that the Commission should give this some consideration.

Commissioner Hine stated that in the July 19, 2021 cover letter from the Mayor and Mr. Civitelli, there's a reference to the idea that this issue can be revisited upon appropriate testing. He stated that he is unclear if what we are voting on is permanent or temporary and if we will be having workshops. He asked what our strategy is going forward. Second, he noted in the proposed regulation, in the definition of cannabis establishment he suggested after the word transporter, include "of cannabis as defined in Public Act 21-1." He stated they need an idea of exactly what we are doing if we approve this.

Chairman Seichter stated that he is clear that we are saying that this is not allowed.

Commissioner Fitzsimmons stated that in Connecticut we have permissive zoning. So, if we don't take this action, it will be deemed a permitted use. We are saying that it is not a permitted use. A revision or change can be requested in the future when additional research has been done. The State legislature, through the Public Act, made it clear that if we don't take action, it will be a permitted use. He supports this amendment. He noted that the Zoning book is a living document, so this could be revisited.

Commissioner Hine stated that he is in favor. He thought the cover letter makes it sound temporary. He wanted to be clear that what we are doing tonight is saying no, we are not allowing.

Public Comment

Ken Welch, 21 Pleasant Street, stated that he is the President of the Coalition for a Better Wallingford. He spoke also as a parent and grandparent. He stated that this is a health threat. They get as many calls now about marijuana addiction as they do about opioids. This is an unbelievable Pandora's box. We need to be bolder than to just say that since the Feds say it's illegal, it's illegal. In any state where it was legalized, less than half of the towns have allowed it. In Colorado, the former Governor stated that it was the biggest mistake of his life was allowing the legalization of marijuana. Mr. Welch asked the Commission to do the right thing.

Sean Doherty, 2 Windswept Hill Road, stated that he is the Director of the YMCA and co-chair of the Coalition for Healthy Wallingford. He explained the missions of both organizations. He expressed concern about the sale of recreational marijuana in our town. He asked for support for the prohibition text amendment. Allowing the sale of recreational cannabis increased access for youth and decreases the perception of harm. Teen marijuana use is at the highest level in 30 years. He stated that Colorado saw an increase of 26% in cannabis use in 12 – 17-year-olds within three years. The YMCA and the Wallingford Community Health Alliance will continue to advocate for the health and well-being of our residents.

Mayor William Dickinson, 112 Grieb Road, spoke for Stephen Civitelli, Director of the Health Department who was not available to attend tonight. He stated that they are very concerned about this issue. He noted that the failure to test long-term use of opioids tragically results in more deaths every year. There has been no testing of vaping either. Marijuana has no testing as a whole, only some of the chemicals. A US Senate subcommittee report advises comprehensive clinical testing before moving forward. How much money justifies the risk of harm. We need to pursue testing to see if it is safe or not. The American Medical Association, the Connecticut Medical Society, and the CDC says no. We have a duty for our jurisdiction to protect public health regardless of who might make money or how many may be employed. He urged the Commission to protect public health.

Jessie DePonte, 512 Fifth Ridge Road, stated that she is the Acting Executive Director at the Coalition for a Better Wallingford and a lifelong Wallingford resident. She reported that they run a bi-annual survey in the public schools and find that the kids get their drugs and alcohol from older peers. They talk to kids about recreational marijuana use and want to support the young adults and teens and provide resources so they don't self-medicate with marijuana. They want to make it easier for teens to come to them and avoid opening more doors to young adults using marijuana.

William Butka, Highland Drive, Regional Director of the National Narcotic Officers Association, and a former police officer stated that marijuana is the greatest environmental disaster that is happening right now. In Colorado, carbon monoxide emissions were equal to about 38,000 cars on a highway. He noted that in Colorado 66% of jurisdictions don't allow marijuana sales. It is appropriate to do the right thing and say that Wallingford is not going to put up with this.

Chairman Seichter called for a Motion to close the public hearing.

Commissioner Venoit: Motion to close the Public Hearing for application #902-21 Zoning Text Amendment/Sale of Recreational Cannabis/PZC/Town-Wide.

Commissioner Fitzsimmons: Second

Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter – yes.

Chairman Seichter also noted a concern with health concerns posed by cannabis. He noted the September 2021 Report of the Rocky Mountain High-Intensity Drug Trafficking Area that showed eye-opening impacts and effects of marijuana in Colorado, including an increase in traffic deaths. There are a lot of statistics that raise concerns. He is in favor of this amendment not just because it's based on Federal law.

Mayor Dickinson noted a point of order and asked if the motion specified recreational cannabis? Chairman Seichter noted that the agenda states a zoning text amendment for the sale of recreational cannabis while the legal notice just states 'prohibit cannabis establishments'. Commissioner Hine suggested going forward with the motion and consult with the legal department to see if we need to re-notice and do it again. Commissioner Venoit suggested striking 'recreational' from the agenda.

Chairman Seichter suggested adding an item to the agenda that we are limiting the sale of cannabis. Commissioner Hine stated that the operative document is the public notice, which is not limited to recreational cannabis.

Commissioner Venoit: Motion to amend the Zoning Text Amendment ‘sale of recreational cannabis/PZC/Town-Wide’ to reflect the true legal notice as follows: ‘prohibit cannabis establishments in all zoning districts throughout the Town of Wallingford’.

Commissioner Fitzsimmons: Second

Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter – yes.

Commissioner Venoit: Motion to approve #902-21, Zoning Text Amendment to add Section 6.24 to the Wallingford Zoning Regulations to prohibit Cannabis Establishments in all zones throughout the Town of Wallingford as proposed in language entitled “Cannabis Establishments” dated 7-19-21 because of the totality of the evidence presented.

Commissioner Fitzsimmons: Second

Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter – yes.

The amendment is approved.

3. Special Permit Revision/Wallingford Business Park, LLC/718 North Colony Road #408-21

Commissioner Venoit read the legal notice and noted the correspondence. #408-21 – Special Permit for Wallingford Business Park, LLC located at 718 North Colony Road to allow car storage for an adjacent auto dealership and to re-use an existing portion of the building for a self-storage facility with landscaping and parking lot improvements. Zoned RF-40. Letter dated August 16, 2021, from Kevin Pagini, Town Planner to Wallingford Business Park, LLC; Inter-Departmental Referral dated August 10, 2021, from the Fire Marshal; fax dated September 8, 2021, from the Fire Marshal; Inter-Departmental Referral dated September 8, 2021, from Environmental Planner; Interoffice Memorandum dated September 9, 2021, from Erik Krueger, Senior Engineer, Water & Sewer, to Kevin Pagini, Town Planner; and drawings titled Wallingford Business Park, LLC, dated 9/3/21.

Bernard Pellegrino, Pellegrino Law Firm in New Haven, introduced David Oculini, a principal in the ownership entity, and Alan Bongiovanni, Civil Engineer with Bongiovanni Group in Newington. Mr. Pellegrino summarized the application. This is the former Eyelet Manufacturing facility and is a multi-use site. The application includes a special permit for parking for a tenant, Toyota of Wallingford. This was an ongoing arrangement before the applicant acquired the site. The dealership uses it for excess inventory storage in a screened and fenced 200’ x 200’ area. This suggested use has no negative impact and has been ongoing for many years. Mr. Pellegrino noted that they filed a site plan application showing the improvements to the landscaping and fencing providing screening to the northeast section. He explained that they also seek approval as part of the site plan application for a change of use for a

portion of the front of the property for self-storage with landscaping and parking. He explained the changes to the façade of the building to improve the look.

Mr. Bongiovanni explained that the 332,000 sq. ft. building is mostly a warehouse. They are asking to convert the front of the building and a portion of the second story to storage. This will be retail storage instead of warehousing. The footprint won't change and they will do modifications to the parking and clean up the entry. They plan to reduce the impervious surface by 2000 to 2300 sq. ft. He described the façade improvements. Other improvements include designated parking for self-storage, the addition of loading doors but no loading docks, replacing windows with energy-efficient ones, and including a freight elevator to allow the use of the second floor. The intent is to have about 17,000 or 18,000 sq. ft. of mini-storage warehouse space in this building. In addition, they will clean up the lawn area, improve the landscaping and add privacy slats to the fencing. They have the area to allow for the required parking but only need 57 spaces, so will not stripe the additional spaces.

Chairman Seichter thanked them for addressing the screening for the cars. He stated that he would like to see the items for the parking lot and fence clean-up done before they start on the self-storage. Mr. Pellegrino replied that they intend to do all the landscaping at the same time and suggested holding the certificate of occupancy for the self-storage until all the work is completed. Mr. Oculini noted that the plan is to do all the work concurrently. He apologized for not coming back a year ago. He stated that they are happy to address any needs. They want to clean up the site and improve the appearance of the building.

Chairman Seichter clarified that they would agree that all the work must be done prior to the Certificate of Occupancy being issued. Mr. Oculini agreed.

Public Comment - none

Chairman Seichter called for a Motion to close the public hearing.

Commissioner Venoit: Motion to close the Public Hearing for application #408-21 – Special Permit /Wallingford Business Park, LLC/718 North Colony Road.

Commissioner Fitzsimmons: Second

Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter – yes.

Commissioner Venoit: Motion to approve application #408-21 a Special Permit request for Wallingford Business Park, LLC located at 718 North Colony Road to allow car storage for an adjacent auto dealership and Site Plan approval to re-use an existing portion of the building for a self-storage facility with landscaping and parking lot improvements on plans entitled “Resurvey Prepared for Wallingford Business Park, LLC” dated 6/20/2021, revised to 9/3/2021 subject to:

- 1. Comments from the Fire Marshal’s office dated 8/10/2021;**

2. **An Erosion and Sedimentation Control bond in the amount of \$2,000.00;**
3. **That any proposed signage receives a sign permit from the Wallingford Planning and Zoning office;**
4. **Comments in Interoffice Memorandum from Environmental Planner, Erin O'Hare to the Planning and Zoning Department dated 9/8/2021;**
5. **Comments in Interoffice Memorandum from Erik Kruger, Senior Engineer, Water, and Sewer Division to the Planning and Zoning Department dated 9/9/2021; and**
6. **All landscaping is completed before the certificate of occupancy is issued.**

Commissioner Fitzsimmons: Second

Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter – yes.

The application is approved.

NEW BUSINESS6

6. Site Plan Revision/MDT Realty/31 North Plains Highway #206-20R

Commissioner Venoit noted the correspondence: Memo from Michael Ott to Kevin Pagini dated August 15, 2021; Inter-Departmental Referral dated August 4, 2021, from the Environmental Planner; memo dated August 31, 2021, from Department of Engineering to Planning & Zoning Commission.

Rosalind Page, a professional land surveyor with Winterbourne Land Services, 604 Center Street, Wallingford, and Michael Ott, licensed professional engineer and land surveyor with Summer Hill Civil Engineers and Land Surveyors, 60 Wall Street, Madison presented. Ms. Page explained that the site plan approval was done in June of 2020 for a proposed storage garage of 2900 sq. ft. to the rear of the residential structure. One condition was to satisfy the Town Engineer on the on-site storm drainage system. They have been working with her since then and have come up with a design that they believe meets with the Town Engineer's approval but it is not the same as she requested. Thus they are asking for a revision to the site plan approval.

Mr. Ott explained that they worked with the Town Engineer and believe they have an agreement on the design. They will direct stormwater runoff to 3 rows of concrete galleries which would be an underground storage reservoir. He reported that they did test pits to ensure the soil and groundwater conditions would allow infiltration of stormwater and provided the Town Engineer with the computations. Water quality is taken care of with this system in accordance with the CT DEEP Stormwater Quality manual as well as the run-off from a 25-year recurrence interval rainfall event. The Town Engineer is in agreement and asked that a drainage easement be put in place over adjoining property.

Ms. Page explained that MBT Realty also owns #25 North Plains Highway. They function as one piece though they are two separate parcels. MDT Realty is willing to put an easement on #25 to allow ingress and egress for #31, for any utilities, and for the right to drain stormwater if necessary.

Public Comment - none

Commissioner Venoit: Motion to approve application #206-20R Site Plan revision request to change the original conditions of approval as the applicant cannot meet the requirements of condition #4 on plans entitled “Improvement Location Survey Proposed Storage Warehouse Land N/F” dated 4/22/2020 subject to:

1. **Comments from Alison Kapushinski, Town Engineer, dated August 31, 2021**

Commissioner Fitzsimmons: Second

Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter – yes.

The application is approved.

BOND RELEASES AND REDUCTIONS

7. Special Permit/Bilchfeldt-Quality Subaru/711 North Colony Road #416-16 - Mr. Pagini reported that this is not ready to be released.
- 7a. Discussion – Workshops pertaining to Zoning Text Amendments for I-X and I-5 districts.

Chairman Seichter noted that the proposed text amendment has been received by the Commission. He suggested holding one or more workshops. Some notable changes are being recommended that need to be discussed and acted on. He suggested a workshop in late September or at least before the October 13th meeting. Mr. Pagini will send a poll for a date. Chairman Seichter suggested booking room 315.

Commissioner Kohan asked if the document could be formatted to show the existing regulations with strikeouts. Chairman Seichter added that a red-line document showing current and changed text would be helpful. Mr. Pagini agreed to do so.

REPORTS OF OFFICERS AND STAFF

8. Administrative Approvals – Noted as approved
 - a. Site Plan/S. Sargeant/47 Barnes Industrial Park Road South #215-21
 - b. Site Plan/M. Galarraga/110 North Plains Industrial Road #216-21
 - c. Change of Use/ Balzano-Perry/560 South Main Street #314-21
 - d. Site Plan Revision/Fastenal Co./61 Barnes Industrial Park Road North #217-21
 - e. Site Plan Revision/Rocha/694 North Colony Road #218-21
 - f. Survey Waiver/M. Thomas/72 Mariot Circle #813-21

9. No ZBA Meeting in August

10. ZBA Notice October 20, 2021, Meeting & Zoning Enforcement Report

Mrs. Torre reported that much of the agenda is due to violations. She noted that the most egregious is agenda item #2 on the legal notice which is a gas station that added a convenience store with a

special permit and the site plan is no longer being met. They were issued a violation due to drainage affecting an abutting property. Rather than restoring the owner elected to proceed with a use variance. The office is not in support of the application. Mrs. Torre also mentioned agenda item #5 which is an identical application to a denied variance request from April. She noted that both of these applications have received cease and desist orders. She also noted that they have quite a few 'after the fact' applications.

Commissioner Fitzsimmons requested that the Commission oppose legal notice items #2 and #5 based on the input of the Zoning Enforcement Officer. He asked if fines had been imposed. Mrs. Torre replied that she can only fine for signage and outside storage. Commissioner Fitzsimmons asked if there is a different fee for violations. Mrs. Torre replied that it is the same fee. She noted that there has been a discussion of a change to the fees. Commissioner Fitzsimmons stated that if there is a flagrant violation, the fee structure should include a penalty for 'after the fact' requests. Mrs. Torre replied that it is posted as a \$100 extra fee but has not been imposed in practice. Commissioner Fitzsimmons asked if the Commission can ask staff to enforce the stated fee structure. It sends a bad message when it's the same fee for asking permission as it is for asking for forgiveness.

Chairman Seichter stated that staff should enforce the current fee structure. Mrs. Torre acknowledged. He also asked for a report on these two applications. Mrs. Torre confirmed that Mr. Pagini will provide the reports on behalf of the Commission.

There being no further business, Chairman Seichter called for a motion to adjourn.

ADJOURNMENT

Commissioner Venoit: Motion to adjourn the Monday, September 13, 2021, Planning and Zoning Commission meeting at 9:48 pm.

**Commissioner Fitzsimmons: Second
Vote: Unanimous to approve**

Respectfully Submitted,
Cheryl-Ann Tubby
Recording Secretary